

MAINE STATE LEGISLATURE

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State of Maine

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
57th Legislative Day
Thursday, June 14, 2007

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Stephen Bracy, Living Waters Assembly of God, Strong.

National Anthem by Samantha Stevens, East Winthrop.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Expand the Pine Tree Development Zone Benefits to Small and Midsize Maine Manufacturers"

(H.P. 1364) (L.D. 1926)

Sponsored by Representative SMITH of Monmouth.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BEAUDETTE of Biddeford, CLEARY of Houlton, MacDONALD of Boothbay, PILON of Saco, RECTOR of Thomaston, SAMSON of Auburn, SILSBY of Augusta, Senator: BROMLEY of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative PINGREE of North Haven, **TABLED** pending **REFERENCE** and later today assigned.

ORDERS

On motion of Representative SYKES of Harrison, the following Joint Resolution: (H.P. 1365) (Cosponsored by Representatives: EDGECOMB of Caribou, GERZOFKY of Brunswick, HANLEY of Gardiner, HILL of York, JOY of Crystal, MAREAN of Hollis, MILLETT of Waterford, PLUMMER of Windham)

JOINT RESOLUTION TO RAISE AWARENESS ABOUT APPROPRIATE BEHAVIOR AT SPORTING EVENTS AND TO ENSURE THE SAFETY OF SCHOOL ATHLETIC CONTEST OFFICIALS, PLAYERS, COACHES AND FANS

WHEREAS, participation in sports events is a popular part of American life and is of interest to all age levels and all segments of society, including our schools. Participation in sports helps keep people healthy and is important in developing good social skills and in learning about cooperation and teamwork; and

WHEREAS, sports in general consist of a partnership between the players, the coaches and fans, and sports have evolved over the years with established rules and certain traditions to ensure continuity, safety and fairness; and

WHEREAS, sports have strong ties to our schools and colleges, and school athletic officials, such as referees, umpires, judges, timekeepers, coaches, instructors and administrators, are in one sense the most important component in school athletics and are essential to continued success, by ensuring accuracy and fairness; and

WHEREAS, many school athletic officials volunteer their time or receive only minimal compensation, participating out of the love for the sport and the desire to teach student athletes the valuable lessons that are learned through sports participation, such as sportsmanship, working as a team and following rules of the game to achieve a common goal; and

WHEREAS, school athletic officials act as neutral judges without a stake in the games and should never be at risk of assault or abuse by participants in the game or fans or family of competing teams; and

WHEREAS, student athletes and fans are exposed to constant media coverage of professional sports athletes who sometimes act out in inappropriate ways and the student athletes may sometimes feel compelled to emulate their professional sports heroes; and

WHEREAS, increasingly, school athletic officials in America are subjected to verbal and sometimes physical assault and abuse by disgruntled fans, family members and participants of the game; and

WHEREAS, we wish to take action to stop these assaults before a school athletic official is seriously injured and we urge local authorities, law enforcement, prosecutors and judges to consider applicable penalties to help ensure that all parties at sporting events realize that such behavior is unacceptable at all times; and

WHEREAS, the school athletic officials who give their time and energy to officiate and supervise games deserve our collective respect and they must have complete confidence that they will be able to carry out their responsibilities in a safe environment; and

WHEREAS, sports need to be a positive part of life that highlights positive accomplishments and educates in the rules of sportsmanship and fair play; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to express our unequivocal support for the good people who take their time to officiate, coach and supervise our school athletics and we urge all law enforcement agencies to prosecute to the fullest extent of the law when the line is crossed in an illegal manner during a sporting event.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Please allow me to make some brief, but important comments about a serious and growing problem that happens in your school, your community, and mine; that is a problem of inappropriate behavior at school athletic events, even to the extent to some illegal assaults and so forth. This problem needs to be addressed. This problem was brought before the Criminal Justice and Public Safety Committee at the request of the Maine Principals' Association, because of this increasing and serious problem.

The original request was to create a new crime: a Class C felony for assaulting a school athletic contest official. As I have spoken here before, a new crime is not needed. We have adequate laws on the books to take care of any of these situations and these situations included, and I have some personal experience with this and I think you have seen some of these in professional sports: bottles thrown at officials, vandalism of vehicles, verbal assaults, pushing; I think we have all seen some of the outrage at soccer games. I remember very distinctly in my career, a professional baseball player, a shortstop, spitting on an umpire. Less than one week later, we had a high school student spit on an umpire. It is unfortunate that they mimic some of the ridiculous behavior at the professional level. We do not need a new law, what we need is public awareness and support.

It is my hope that this Joint Resolution will provide some of that public awareness and that support, and that you and every one of us will support our school officials as they try to deal with

this problem. It is my hope, also, that this Joint Resolution can be used as a tool, possibly as an announcement at games, and certainly even posted at various places throughout the facility. Thank you, Mr. Speaker, and I hope that you will all support the Resolution

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Joint Resolution, and also, speak with thanks to the Representative from Harrison.

Some of you may or may not know, both my real job and real profession, as well as my work as an amateur sports official as a baseball umpire and a basketball official, and my real job being a recreation director, and beyond the emotional and physical harm that can be done to an official or to a coach with regards to negative actions coming from parents or crowds or children, one of the biggest lessons that can be taught to children goes beyond the academics, but just as much to social learning and social behavior that comes through sports and athletics. I think beyond the merits that the Representative from Harrison has brought forth, which I totally agree with; there is a positive message that does need to be sent through this Resolution, saying that we as adults at these events have to help to be role models to the children that are participating in them. Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Vern and Betsy Cook, of Augusta, who, after 30 years of ownership of the Best Western Senator Inn and Spa, have sold the business to Lafayette Hotels, a Bangor-based hotel operator. Mr. and Mrs. Cook are invaluable contributors to the Kennebec Valley community and their inn has an excellent reputation in the lodging industry throughout New England. They were the recipients of the Kennebec Valley Chamber of Commerce Business of the Year Award for 2003. We acknowledge their exemplary business contributions to the capital area of Maine, and we send them our best wishes on their future endeavors;

(HLS 600)

Presented by Representative CROCKETT of Augusta. Cosponsored by Senator MITCHELL of Kennebec, Representative BROWNE of Vassalboro, Representative SILSBY of Augusta.

On **OBJECTION** of Representative CROCKETT of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Crockett.

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am proud to stand today to recognize Vern and Betsy Cook, owners of Augusta's Senator Inn and Spa. They are two friends that I have known for over 25 years. They are the perfect example of what good people can accomplish with honesty, hard work, and a commitment to their business.

The Cooks were newlyweds when they moved to Maine from Virginia and took over the hotel in 1977. At the time, the roof leaked, it had been delisted from AAA, the phone system was down, and the restaurant was a separate operation. The couple

worked tirelessly to turn the business into a first-class inn, restaurant, conference center, and spa. The Cooks also pioneered a marketing program that made the inn a launching point for visitors to the coast, the mountains, and the Belgrade Lake area.

The spa is world-class, and the restaurant is fabulous. The variety of services that the inn offers whether it is lodging, the spa, the restaurant, or a nice attraction, are all a nice attraction within the community. They have just done everything right.

The inn is a local landmark for hosting receptions, news conferences, weddings, meeting planners, the Governor, the Legislature, state department heads, the media, local business owners. I doubt there are many in this Chamber that have not either enjoyed dinner or attended a reception at the Senator Inn.

The inn has an excellent reputation in the lodging industry throughout New England. The Kennebec Valley Chamber of Commerce named the Senator the Business of the Year in 2003. They have been a very, very good business within the community, in terms of presenting and reconfiguring themselves as the times demand, and keeping up-to-date with the consumers and the community needs.

The inn currently employs 168 people. The Senator Inn received the prestigious Best of the Best Design from Best Western International in 2004 for the new renovations, the 15,000-square foot spa and fitness center. In 2005, the Cooks launched a new restaurant, Cloud 9, which features a Mediterranean motif and showcases Betsy's flare for interior design.

Betsy and Vern, we obviously are sad to see you leave our community, but we want to wish you well as you move on to a new chapter in your lives. We wish you many years of good health and happiness as you travel and pursue your interests. Thank you, Mr. Speaker. They are in the Gallery.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

In Memory of:

Joseph T. R. "Rick" Remillard, of Lewiston, a United States Army veteran and member of the Board of Appeals for the City of Lewiston. Mr. Remillard retired from the United States Army after more than 30 years of dedicated service in Korea after the war, in Vietnam and in Operation Desert Storm. He was a member of the Disabled American Veterans organization and he loved to hunt, fish, bowl and play bingo. We acknowledge his dedicated service to his community and to the Nation. He will be greatly missed and long remembered by his loving family and many friends;

(HLS 552)

Presented by Representative MAKAS of Lewiston. Cosponsored by Senator ROTUNDO of Androscoggin, Representative SAMSON of Auburn, Representative WALCOTT of Lewiston, Representative WAGNER of Lewiston, Representative CRAVEN of Lewiston.

On **OBJECTION** of Representative MAKAS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had the pleasure of serving with Joseph Remillard on the Lewiston Zoning Board of Appeals, which I chair. I knew Joseph as an extremely conciseness person, who served the people of Lewiston in that capacity; even on days when I knew that he did

not feel well, he was always there and always willing to serve. He was a good man, a hard worker, and committed to his community. Unfortunately, I did not get to know Joseph better, or as he was known by family and friends, "Rick," until after his passing when I learned more about him.

Rick was an incredibly kind man who was totally committed to his family and friends, who in turn loved him deeply. I extend my personal, heartfelt condolences to his wife Linda and to their six children, for whom his loss is very, very serious. Thank you.

Subsequently, the Sentiment was **ADOPTED** and sent for concurrence.

Doctor of the day, Rebecca Chagrasulis, M.D., Otisfield.

**REPORTS OF COMMITTEE
Pursuant to Joint Rule 309**

From the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Lower the Cost of Health Insurance"

(H.P. 765) (L.D. 1047)

Received by the Clerk of the House on June 13, 2007, pursuant to Joint Rule 309.

READ.

On motion of Representative BRAUTIGAM of Falmouth, **TABLED** pending **FURTHER ACTION** and later today assigned.

From the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Restore Competition to Maine's Health Insurance Market"

(H.P. 1226) (L.D. 1760)

Received by the Clerk of the House on June 13, 2007, pursuant to Joint Rule 309.

READ.

On motion of Representative BRAUTIGAM of Falmouth, **TABLED** pending **FURTHER ACTION** and later today assigned.

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-562)** on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1333) (L.D. 1900)

Signed:

Senators:

BOWMAN of York
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
EDGEComb of Caribou

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-563)** on same Resolve.

Signed:

Senator:

MITCHELL of Kennebec

Representatives:

MAKAS of Lewiston
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

READ.

Representative NORTON of Bangor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-572)** on Bill "An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town"

(H.P. 532) (L.D. 701)

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

MOORE of Standish
WEDDELL of Frankfort
PINKHAM of Lexington Township
TRINWARD of Waterville
PATRICK of Rumford
TUTTLE of Sanford
NASS of Acton
GOULD of South Berwick
FITTS of Pittsfield

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representative:

BLANCHETTE of Bangor

READ.

Representative PATRICK of Rumford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-570)** on Bill "An Act To Provide Information to Property Tax Payers"

(H.P. 837) (L.D. 1144)

Signed:

Senators:

PERRY of Penobscot

STRIMLING of Cumberland
NASS of York

Representatives:
PIOTTI of Unity
RAND of Portland
KNIGHT of Livermore Falls
WOODBURY of Yarmouth
HOTHAM of Dixfield
WATSON of Bath
CHASE of Wells
PILON of Saco
LANSLEY of Sabattus

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Representative:
CLARK of Millinocket

READ.

On motion of Representative PIOTTI of Unity, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-570)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-570)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Ten Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-559)** on Bill "An Act To Encourage Newly Retired Veterans To Reside in Maine"

(H.P. 407) (L.D. 529)

Signed:
Senators:
PERRY of Penobscot
NASS of York

Representatives:
PIOTTI of Unity
RAND of Portland
KNIGHT of Livermore Falls
CLARK of Millinocket
HOTHAM of Dixfield
WATSON of Bath
CHASE of Wells
LANSLEY of Sabattus

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-560)** on same Bill.

Signed:
Senator:
STRIMLING of Cumberland

Representative:
PILON of Saco

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:
Representative:
WOODBURY of Yarmouth

READ.

On motion of Representative PIOTTI of Unity, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

Seven Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-555)** on Bill "An Act To Exempt Military Pensions and Survivors' Benefit Payments from State Income Tax"

(H.P. 661) (L.D. 872)

Signed:
Senators:
NASS of York
PERRY of Penobscot

Representatives:
PIOTTI of Unity
CLARK of Millinocket
HOTHAM of Dixfield
LANSLEY of Sabattus
KNIGHT of Livermore Falls

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-556)** on same Bill.

Signed:
Senator:
STRIMLING of Cumberland

Representatives:
WATSON of Bath
CHASE of Wells
PILON of Saco

Two Members of the same Committee report in Report "C" **Ought Not to Pass** on same Bill.

Signed:
Representatives:
RAND of Portland
WOODBURY of Yarmouth

READ.

On motion of Representative PIOTTI of Unity, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

ENACTORS

Emergency Measure

An Act Regarding Residential Care Facilities for Children
(S.P. 333) (L.D. 1016)
(C. "A" S-250)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding the Maine State Cultural Building in Augusta

(H.P. 1308) (L.D. 1876)
(H. "A" H-466 to C. "A" H-400)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax

(H.P. 1271) (L.D. 1823)
(C. "A" H-413; H. "A" H-515)

An Act To Clarify Involuntary Admissions for Psychiatric Hospitalizations

(S.P. 669) (L.D. 1855)
(C. "A" S-266)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Directing the Department of Public Safety and the Attorney General To Review Other States' Concealed Weapon Reciprocity Agreements and Actively Seek Reciprocity Where Appropriate

(H.P. 130) (L.D. 148)
(C. "A" H-478)

Resolve, Directing the Commissioner of Labor To Convene a Task Force To Evaluate and Recommend Revisions to the Definition of Service Dog

(H.P. 233) (L.D. 289)
(C. "A" H-472)

Resolve, To Support Creative Economy Businesses

(H.P. 348) (L.D. 449)
(C. "A" H-473)

Resolve, To Require State Agencies with Jurisdiction over Dams To Review and Update Plans for the Passage of Native Diadromous Fish

(S.P. 551) (L.D. 1528)
(C. "A" S-252)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act To Assist Maine Military Families

(H.P. 212) (L.D. 256)
(C. "A" H-502)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative CLARK of Millinocket, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 140

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Hotham, Jacobsen, Jones, Joy, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Priest, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Canavan, Cressey, Curtis, Dill, Gerzofsky, Gifford, Greeley, Hayes, Jackson, Lansley, Moore, Prescott, Rand, Richardson E, Richardson W, Smith N, Sutherland, Thomas, Watson.

Yes, 132; No, 0; Absent, 19; Excused, 0.

132 having voted in the affirmative and 0 voted in the negative, with 19 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Require Health Insurance Coverage for Hearing Aids

(S.P. 537) (L.D. 1514)
(C. "A" S-265)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative FAIRCLOTH of Bangor, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 141

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Flood, Giles, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jones, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby,

Simpson, Sirois, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Berube, Fletcher, Gould, Hotham, Jacobsen, Joy, Lewin, McKane, McLeod, Muse, Plummer.

ABSENT - Campbell, Cressey, Curtis, Dill, Gerzofsky, Gifford, Greeley, Hayes, Jackson, Lansley, McFadden, Moore, Rand, Richardson E, Richardson W, Smith N, Sutherland, Thomas, Watson.

Yes, 121; No, 11; Absent, 19; Excused, 0.

121 having voted in the affirmative and 11 voted in the negative, with 19 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-274)** - Minority (3) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Protect Fair Share Workers from Termination"

(S.P. 714) (L.D. 1915)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274)**.

TABLED - June 13, 2007 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-274)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-274)** in concurrence. **ORDERED SENT FORTHWITH**.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-268)** - Minority (4) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Incorporate Binding Arbitration for Monetary Issues in Collective Bargaining for All State, County and Municipal Employees"

(S.P. 257) (L.D. 814)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-268)**.

TABLED - June 13, 2007 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to vote against the pending motion. This bill, I believe, may have run into some constitutional issues.

First of all, the Maine State Employees Labor Relations Act requires legislative approval of all cost items in labor contracts; that is a subject that we are tasked with. Whenever we spend public funds, we are tasked, we are elected; it is up to us to figure out what to spend public funds on.

What this bill does is it places union negotiations in the hands of arbitrators. What the arbitrator comes up with is going to be final and binding on the Legislature; it is going to tie our hands, whatever the arbitrator comes up with. They could inflate the pensions, they could inflate the insurance, they could inflate wages, and we will have no say in that matter; and as elected officials, we have that purview to decide how to spend public funds.

In 1995, a bill similar to this was in front of the Legislature that only dealt with municipal contracts. The Attorney General at that time ruled that bill would be unconstitutional in an opinion. There has never been an opinion as far as state contracts, but this may or may not be ruled unconstitutional, so I urge you to vote against the pending motion. Mr. Speaker, I ask for a roll call.

Representative **DUPREY** of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to briefly concur with the remarks of the good gentleman from Hampden, Representative Duprey.

In addition to the questions of constitutionality and inappropriate taking of the role of local, county, and state governments to approve funding measures related to salaries, pension, and insurance that are subjects of collective bargaining, this would reverse a trend going to back to the enactment of the Municipal Public Employees Law, back in 1969. I was here at that time and it was a very finely, crafted compromise that did certain things that were of benefit for both labor and management, and this was one of those key negotiated principles, along with the Meet and Consult provision for educational policy. For us to reverse that trend of nearly 40 years, I think, would be a tragic mistake, not withstanding the constitutionality issue, and I urge you opposition to this motion.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is a good start toward a more refined, binding arbitration program. Please, let me explain.

My experience with binding arbitration was in the State of Connecticut. I was chair of a nine-member school board and we had 6,000 students in school, 400 teachers to negotiate with, two high schools, two middle schools, and seven elementary schools; we found binding arbitration to be a blessing. If negotiations failed or reached a standstill, it went into arbitration. If arbitration failed to be recognized by either labor or management, it went to a three judge state panel with one of the judges from labor, one from management, and one was neutral, and it was the last best offer. No combining of offers, one or the other; it was just the offer that was most fair to both sides, and the judges had to reach a unanimous decision. It made school boards and unions work

together toward a more amenable, bargaining result, and all we had to do was threaten binding arbitration and guess what? We all seemed to reach a pretty much agreeable situation. It is a good start; maybe we can make it better. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would thank the good gentleman from Dover-Foxcroft for his remarks. I know he was very active in the committee process, and we thank him for his experience in this area. While the original bill makes binding a determination on salary, pension, and insurance issued by an arbitrator in collective bargaining, the employees prohibit certain practices by a public employer of the state including invoking lockout, failing to comply with the provision of public employees, breaking the collective bargaining agreement, enacting a law or adopting any rule relative to the terms of condition of employment.

Now the amended version, as you have heard of this bill, the amendment strikes everything and replaces the bill. The title is amended to remove the reference to county and municipal employees, and the amendment provides for arbitration to be binding on collective bargaining for the state only. On monetary issues, if the parties cannot reach agreement, the arbitrator must choose the last best offer of one of the parties as the final determination. It provides the termination of the arbitrator as final and binding on the parties and removes prohibitions against certain practices by public employers contained in this bill. This bill is also sunsetted on five years.

Over my years in the Legislature, this issue has come back before us and having been involved in these issues over the years, the problem I see is sometimes the negotiations go on, and on, and on; the lawyers get involved; hundreds and thousands of dollars are spent in litigation with no resolution of the contracts.

Other states, as Representative Annis has said, have adopted binding arbitration. I have a list of the states that do include binding arbitration; they include the states of Alaska, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Vermont, Washington, and Wisconsin. Now these states have recognized there needs to be, at sometimes, resolving of the situation where it is costing the taxpayers hundreds of thousands of dollars to resolve these contracts. I would hope that the State of Maine would do the same thing.

The bill, in my opinion, will save money; as I said before, it works in other states, so let's give it a shot. If you look in Maine State Government right now, the Potato Board has binding arbitration. Many other agencies in state government already have a binding arbitration provision in their rules and regulation. I think it is high time that the State of Maine does this, it will save the taxpayers money; and as we say in the Labor Committee this year, let's get together and do the right thing. This bill is the right thing to do, and I would ask for your support.

On motion of Representative **FAIRCLOTH** of Bangor, **TABLED** pending the motion of Representative **TUTTLE** of Sanford to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

CONSENT CALENDAR
First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 85) (L.D. 248) Resolve, Honoring Women Veterans of Maine (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 100) (L.D. 318) Bill "An Act To Provide Funds for the Coordination and Promotion of the 400th Anniversary of the Popham Colony" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 195) (L.D. 603) Bill "An Act To Support the Capital Riverfront Improvement District" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 207) (L.D. 670) Bill "An Act To Promote Economic Growth through Entrepreneurship, the Creative Economy and Rural Economic Development" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 211) (L.D. 674) Bill "An Act To Restore Funding to the Maine Joint Environmental Training Coordinating Committee" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 224) (L.D. 707) Bill "An Act To Fund the Fractionation Development Center" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 606) (L.D. 1699) Resolve, To Improve Maine's Homemaker Services Program Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-299)**

(S.P. 707) (L.D. 1907) Bill "An Act To Clarify and Affirm the Scope of Services Available to Persons with Mental Retardation or Autism" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-297)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Improve the Independent Medical Examiner System"

(S.P. 598) (L.D. 1691)

Signed:

Senators:

STRIMLING of Cumberland

SULLIVAN of York

DOW of Lincoln

Representatives:

TUTTLE of Sanford

CLARK of Millinocket

THOMAS of Ripley

HASKELL of Portland

HAMPER of Oxford

DUPREY of Hampden

JACKSON of Allagash

SYKES of Harrison

DRISCOLL of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-300)** on same Bill.

Signed:
Representative:
BURNS of Berwick

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing"
(S.P. 602) (L.D. 1695)

Signed:
Senator:
HOBBINS of York

Representatives:
SIMPSON of Auburn
BRYANT of Windham
DUNN of Bangor
MILLS of Farmington
DILL of Cape Elizabeth
CASAVANT of Biddeford
BERUBE of Lisbon
JACOBSEN of Waterboro
NASS of Acton
GOULD of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-310)** on same Bill.

Signed:
Senators:
NUTTING of Androscoggin
HASTINGS of Oxford

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

On motion of Representative SIMPSON of Auburn, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act To Expand the Pine Tree Development Zone Benefits to Small and Midsize Maine Manufacturers"
(H.P. 1364) (L.D. 1926)

Which was **TABLED** by Representative PINGREE of North Haven pending **REFERENCE**.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative SMITH of Monmouth **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **PERRY**: Thank you, Mr. Speaker. Would somebody be willing to explain what this bill is about?

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill is related to LD 719, which is currently tabled here; I forget which number of unfinished business it is.

This current bill is a negotiation that I have conducted with several members who had concerns with the amended version of LD 719; in order for good policy for small business to occur, the after deadline bill, I submitted that. If you remember, LD 719 expands Pine Tree Zone benefits for manufacturers' statewide, but the thresholds to receive those benefits are quite high: a business needs to spend \$2 million and hire 20 new employees.

This new bill, and let me back up—LD 719, the content was put into the budget, has passed, and is now law. This bill lowers those thresholds: Instead of having to spend \$2 million, a company would only have to spend \$225,000; instead of hiring 20 new employees, they would have to hire four new employees. My belief is that this will make the benefits available to smaller businesses; and again, in order to qualify, the business has to have been in business at that location in Maine for three years. So where the benefit is available to manufacturers who have been in this state for more than three years, lowering the thresholds with this bill will make it more accessible for small businesses in this state and this was the mechanism to make that work.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Mr. Speaker, may I pose another question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **PERRY**: Thank you, Mr. Speaker. I do have another question in terms of, what is the fiscal note and who pays for the cost of this?

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The fiscal note on this is \$30,000 for the next biennium and it would go, if it passed, to the Appropriations' table as any other thing with a fiscal note does.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 142

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgcomb,

Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hill, Hogan, Hotham, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Hinck.

ABSENT - Beaudette, Boland, Cressey, Dill, Gifford, Hayes, Jackson, Jones, Lansley, Moore, Pineau, Richardson E, Sutherland, Thomas.

Yes, 136; No, 1; Absent, 14; Excused, 0.

136 having voted in the affirmative and 1 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

SENATE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-268) - Minority (4) Ought Not to Pass - Committee on LABOR on Bill "An Act To Incorporate Binding Arbitration for Monetary Issues in Collective Bargaining for All State, County and Municipal Employees"

(S.P. 257) (L.D. 814)

Which was **TABLED** by Representative FAIRCLOTH of Bangor pending the motion of Representative TUTTLE of Sanford to **ACCEPT** the Majority **Ought to Pass as Amended** Report. (Roll Call Ordered)

The SPEAKER A roll call having been previously ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 143

YEA - Adams, Annis, Babbidge, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, Makas, Marley, Mazurek, Miller, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Silsby, Simpson, Sirois, Smith N, Theriault, Treat, Trinward, Tuttle, Wagner, Walcott, Watson, Weaver, Webster, Weddell, Mr. Speaker.

NAY - Austin, Ayotte, Beaulieu, Berube, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Hamper, Hotham, Jacobsen, Joy, Knight, Lewin, MacDonald, Marean, McDonough, McKane, McLeod, Millett, Mills, Muse, Nass, Pieh, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Valentino, Vaughan, Walker, Woodbury.

ABSENT - Barstow, Beaudette, Boland, Cressey, Dill, Gifford, Hayes, Jackson, Lansley, McFadden, Moore, Pineau, Richardson E, Sutherland, Thomas, Wheeler.

Yes, 77; No, 58; Absent, 16; Excused, 0.

77 having voted in the affirmative and 58 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-268)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-268)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (12) Ought Not to Pass - Minority (1) Ought to Pass as Amended by Committee Amendment "A" (S-245) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Allow Direct-to-consumer Wine and Malt Liquor Sales"

(S.P. 54) (L.D. 143)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-245)**.

TABLED - June 13, 2007 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - Motion of same Representative to ACCEPT the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House, and Friends. This LD is identical to the one that we had in the 122nd. The committee worked this bill and came up with a 12-1 Ought Not to Pass Report, and the basis behind that Ought Not to Pass Report was basically that Maine is involved in litigation. Cherry Hill Orchards, from Oregon, has sued Maine.

The US Magistrate Judge Kravchuk's opinion recommended the court, finding favor of the state, the three-tiered system that required a face-to-face sale of alcohol purchases. The opinion stated that Cherry Hill's claim that Maine's laws governing farm wineries in the face-to-face-Hill's requirement, violated the Commerce Clause of the United States Constitution, were unfounded. It states that the complaint failed to demonstrate that Maine's law is protectionist. The United States District Court Judge Gene Carter supported the Magistrate's opinion, and affirmed its recommendation, finding in favor of the State of Maine. The plaintiffs have appealed to the First Circuit Court in Boston and that is where we are at this point. It is my belief that just as the Wine Institute has said, they really recommend not taking any action on this until the litigation is completed. Mr. Speaker, I would move Indefinite Postponement of LD 143 and all of its accompanying papers.

Representative PATRICK of Rumford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of Indefinite Postponement. I would like for us to truly be able to debate the bill and its substance.

The issue at hand is the fact that Maine puts itself in a unique position, in that we are one of 18 control states, and 12 of them allow direct shipping of wine. Because of that situation, the farm wineries here in Maine are unable to ship their wine to out-of-state customers; that is one problem.

One of the arguments against this is the ability of youth to somehow obtain wine through the mail or whatever, and the real issue is youth has the same access to the product that they would have where or not it was through the.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Blanchette, and inquires as to why she rises.

Representative **BLANCHETTE**: Mr. Speaker, point of order ruling through the Chair. I believe we are supposed to be discussing the Indefinite Postponement, not the merits of the bill.

The **SPEAKER**: The Representative may not talk about Committee Amendment "A," but he could talk about items or arguments why this could not or should not be Indefinitely Postponed. The Representative may proceed.

Representative **FITTS**: Thank you Mr. Speaker. The issue though is why we should not be Indefinitely Postponing this bill, in that it does not enable youth to access alcohol; that, I think, is a red herring in the argument.

Today, if somebody under the age of 21 wants to acquire alcohol, they have that ability by finding a friend that will buy it for them; that does not change under this. I would like to see us move on so that we can truly discuss the merits of not only the bill as presented, but later, also the Minority Report, though we have to get past this Indefinite Postponement first. I will leave it at that; hopefully, I have not cheated a little bit. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from South Berwick, Representative Gould.

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As much as I would like to debate the merits of this, because I am sure the merits will support the 12-1 opinion of the committee, and as much as I abhor Indefinite Postponement, in this case I have to support the motion for Indefinite Postponement. In fact, the legal issue that goes to the heart of this is pending appeal to the First Circuit Court of Appeals, as our good Chair pointed out; it is incredibly premature of us to address this until litigation has been finalized. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, also, would urge you vote against Indefinite Postponement and allow us to debate the merits of the bill. To me, this is a small business bill, very important to many of our small, local vendors; I pass one everyday as I drive to Augusta to the State House. They have revitalized agriculture in some areas of the state, and I think it is important that we give them whatever support we can. This is an opportunity to diminish the competitive disadvantage at which they operate currently, so I would urge defeat of the Indefinite Postponement. Thank you, Mr. Speaker.

On **POINT OF ORDER**, Representative **BLANCHETTE** of Bangor asked the Chair if the remarks of Representative **FITTS** of Pittsfield were germane to the pending question.

The Chair reminded Representative **FITTS** of Pittsfield to stay as close as possible to the pending question.

Representative **CEBRA** of Naples **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One more point I would like to make against the Indefinite Postponement is realization of the fact that Maine is the only New England state that, today, does not allow direct shipping of wine. I think this bill would put us more in line with the rest of New England. I would urge your defeat of this motion.

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of Indefinite Postponement and suggest that you follow the light of the good Representative from South Berwick, please.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 144

YEA - Adams, Babbidge, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Browne W, Bryant, Cain, Canavan, Carter, Casavant, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Crockett, Curtis, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Gould, Greeley, Grose, Hanley S, Haskell, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Tardy, Theriault, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Burns, Campbell, Cebra, Cray, Crosthwaite, Driscoll, Duprey, Edgecomb, Emery, Finley, Fitts, Fletcher, Giles, Hamper, Hinck, Hogan, Jacobsen, Joy, Knight, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Muse, Pendleton, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Silsby, Strang Burgess, Sykes, Thibodeau, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Barstow, Beaudette, Boland, Cressey, Dill, Gifford, Harlow, Hayes, Hill, Hotham, Jackson, Lansley, Moore, Pineau, Piotti, Richardson E, Sutherland, Thomas, Watson.

Yes, 82; No, 50; Absent, 19; Excused, 0.

82 having voted in the affirmative and 50 voted in the negative, with 19 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers"

(S.P. 318) (L.D. 1001)

REFERRED to the Committee on **TAXATION** on March 6, 2007.

- **PLACED** in the Legislative Files pursuant to Joint Rule 310.3 on May 22, 2007.

- **RECALLED** from the Legislative Files pursuant to Joint Order, S.P. 730.

Came from the Senate **REFERRED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Reduce Duplication of Paperwork for Fuel Distributors"

(S.P. 455) (L.D. 1307)

REFERRED to the Committee on **TAXATION** on March 13, 2007.

- **PLACED** in the Legislative Files pursuant to Joint Rule 310.3 on May 30, 2007.

- **RECALLED** from the Legislative Files pursuant to Joint Order, S.P. 730.

Came from the Senate **REFERRED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell who wishes to address the House on the record.

Representative **CAMPBELL**: Thank you, Mr. Speaker. On Roll Call No. 141, LD 1514, I want to be recorded as yea.

The **SPEAKER**: The Chair recognizes the Representative from Kittery, Representative Wheeler.

Representative **WHEELER**: Thank you, Mr. Speaker. If I was here on LD 814, I would have voted yea.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a sad day in the annals of Maine Public Radio—I am sorry, did I mispronounce that? For that, I certainly apologize; I am certain that I have your attention now. Maine Public Broadcasting, today, has dismissed the services of the Humble Farmer. The Humble Farmer will no longer be available for us on Maine Public Broadcasting, because he stood by his principles and his right to speak freely, even on Maine Public Broadcasting. It is a sad day today, and I urge you all to call Maine Public Broadcasting and insist that they put the Humble Farmer back on the air. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from China, Representative Cotta who wishes to address the House on the record.

Representative **COTTA**: Yes, Mr. Speaker. On Roll Call No. 139, LD 1935, had I been present I would have voted yea.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 288) (L.D. 358) Bill "An Act To Create the Maine Fishery Infrastructure Tax Credit Program" Committee on

TAXATION reporting **Ought to Pass as Amended by Committee Amendment "A" (H-581)**

(H.P. 678) (L.D. 893) Bill "An Act To Exempt from Excise Tax Maine Military Personnel Who Are Serving Their Tours of Duty in Maine" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-580)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act Related to Special Purpose Reinsurance Vehicles

(H.P. 982) (L.D. 1390)

(C. "A" H-456)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

An Act To Regulate Outdoor Wood Boilers

(H.P. 1272) (L.D. 1824)

(C. "A" H-494)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **TUTTLE**: Mr. Speaker, if anyone might explain what this bill does, I know a number of us have received a lot of communication on that and before we finally enact it, I would like to have an explanation of what the bill is doing.

The **SPEAKER**: The Chair would answer in the affirmative, but I would request that the Clerk read the bill first.

The Committee Report was **READ** by the Clerk.

The **SPEAKER**: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To answer the question about the regulation of wood boilers: There was originally a piece in here having to do with a seasonal ban and that was not in this bill, so the seasonal ban is gone, we killed that in committee. The regulation of outdoor wood boilers has to deal with particulate emissions and setting of standards of those. Also, we have the DEP going out and looking at the nuisance boilers and they are doing that currently, so that any nuisance problems can be dealt with in the field with additional equipment to the boilers. I think we came out of this with a fairly good compromise to keep all parties happy, and continue to save energy by burning wood with the boilers. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, may I pose a question

through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: Thank you very much, Mr. Speaker. By the response that I just received, if there is anything found with the boilers that they are checking through DEP or EPA, whatever the department, who will be responsible for the repair to the boilers? Will there be a replacement to the person, because some of these boilers cost \$8,000 to \$10,000?

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. I will give it a shot: A lot of the effort to fix the boilers will be done privately between the boilermakers and the people who have filed a complaint, sort of a collaborative process that is not part of the bill. As Representative Hamper has already indicated, DEP is going forward to set some standards, but retroactively it is just going to be a cooperative process to fix the bad ones. In many cases, the people who made the boiler will probably end up bearing part of the expense, but it will be on a case-by-case situation; there are only about 20 of them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: Mr. Speaker, to any member of the committee who can respond, if they can respond; basically, is there any manufacturer out there now that already meets the standards?

The SPEAKER: The Representative from Millinocket, Representative Clark has posed a question through the Chair to any committee member who may care to respond. The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. Yes.

Representative **CEBRA** of Naples **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Under suspension of the rules, members were allowed to remove their jackets.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 145

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Carter, Casavant, Cebra, Conover, Craven, Dill, Driscoll, Duchesne, Dunn, Eberle, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Gerzofsky, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hinck, Hogan, Jones, Kaenrath, Koffman, Lewin, MacDonald, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Nass, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Piotti, Pratt, Prescott, Rand, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sykes, Tardy, Treat,

Trinward, Tuttle, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Campbell, Chase, Clark, Cleary, Connor, Cotta, Cray, Crosthwaite, Curtis, Eaton, Edgcomb, Emery, Fischer, Flood, Gifford, Giles, Hotham, Jacobsen, Joy, Knight, Lundein, McKane, McLeod, Muse, Pingree, Pinkham, Theriault, Thibodeau, Thomas, Tibbetts, Walker, Weaver.

ABSENT - Beaudoin, Berube, Canavan, Cressey, Crockett, Duprey, Hayes, Hill, Jackson, Lansley, Makas, McFadden, Moore, Norton, Percy, Pineau, Plummer, Priest, Richardson E, Richardson W, Smith N, Sutherland, Valentino, Vaughan.

Yes, 94; No, 33; Absent, 24; Excused, 0.

94 having voted in the affirmative and 33 voted in the negative, with 24 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**.

On motion of Representative **PINGREE** of North Haven, the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

Subsequently, on further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08

(H.P. 1307) (L.D. 1875)

(C. "A" H-382)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

An Act To Clarify the Authority of Boards and Committees

(H.P. 1340) (L.D. 1906)

(C. "A" H-495)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

Resolve, To Establish a Working Group To Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population

(H.P. 773) (L.D. 1055)

(C. "A" H-501)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

Resolve, Regarding the Role of Local Regions in Maine's Emerging Public Health Infrastructure

(H.P. 1264) (L.D. 1812)
(C. "A" H-458)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Mandate

An Act To Extend the Property Tax Exemption for Veterans to Persons Living in Cooperative Housing

(H.P. 257) (L.D. 313)
(C. "A" H-522)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Mandate

An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility

(H.P. 1005) (L.D. 1431)
(C. "A" H-493)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Mandate

An Act To Implement the Recommendations of the Right To Know Advisory Committee

(H.P. 1270) (L.D. 1822)
(C. "A" H-536)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault

(H.P. 131) (L.D. 149)
(C. "A" H-508)

An Act To Implement the Recommendations of the Human Trafficking Task Force

(H.P. 360) (L.D. 461)
(C. "A" H-488)

An Act To Fund the Purchase of Maine State Retirement System Time by Certain Veterans

(H.P. 427) (L.D. 549)
(C. "A" H-500)

An Act To Change the Process for Applying for Reimbursement of Fuel Taxes

(H.P. 625) (L.D. 828)
(C. "A" H-525)

An Act To Increase the Number of Disabled Veterans That Are Eligible for Complimentary Lifetime Licenses and To Create the Search and Rescue Fund

(H.P. 654) (L.D. 865)
(C. "A" H-540)

An Act To Extend Eligibility for the Trade-in Credit to All Trailers

(H.P. 770) (L.D. 1052)
(C. "A" H-497)

An Act To Increase Funding To Support Research and Development in the University of Maine System

(H.P. 782) (L.D. 1064)
(C. "A" H-529)

An Act To Exempt Dyed Fuel from the Sales Tax

(H.P. 811) (L.D. 1093)
(C. "A" H-454)

An Act To Implement the Recommendations of the Criminal Law Advisory Commission

(H.P. 882) (L.D. 1240)
(C. "A" H-479)

An Act To Enhance Enforcement of Public Health Measures

(H.P. 908) (L.D. 1290)
(C. "A" H-521)

An Act To Amend Survivors' Benefits under the Workers' Compensation Laws

(H.P. 935) (L.D. 1327)
(C. "A" H-504)

An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception

(H.P. 999) (L.D. 1425)
(C. "A" H-462)

An Act To Clarify the Laws Regarding Physicians

(H.P. 1032) (L.D. 1470)
(C. "A" H-449)

An Act To Permit the Use of Surety Bonds in Lieu of Security Deposits

(H.P. 1160) (L.D. 1651)

An Act To Establish the Publicly Supported Private Secondary School Advisory Council

(S.P. 601) (L.D. 1694)
(H. "B" H-465 to C. "A" S-157)

An Act To Regulate Presettlement Lawsuit Funding

(H.P. 1186) (L.D. 1703)
(C. "A" H-511)

An Act To Make Changes in the Laws Regarding Raffles

(H.P. 1187) (L.D. 1704)
(C. "A" H-457)

An Act To Reduce the Spread of Infectious Disease through Shared Hypodermic Apparatuses

(H.P. 1248) (L.D. 1786)
(C. "A" H-486)

- An Act To Amend the Licensing of Landscape Architects (H.P. 1249) (L.D. 1787) (C. "A" H-451) (H.P. 1128) (L.D. 1606) (C. "A" H-491)
- An Act To Implement the Recommendations of the Task Force To Engage Maine's Youth Regarding Successful School Completion (H.P. 1296) (L.D. 1860) (C. "A" H-474) Resolve, To Expand the Maine Registry of Certified Nursing Assistants (H.P. 1197) (L.D. 1714) (C. "A" H-485)
- An Act Regarding Fairness for Families Regarding Workers' Compensation Coverage (H.P. 1298) (L.D. 1862) (C. "A" H-475) Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study of Possible Western Connector Roads to Municipal Centers in Cumberland and York Counties (H.P. 1203) (L.D. 1720) (C. "A" H-487)
- An Act Requiring the State Bureau of Identification To Report Persons Found To Be a Danger to Themselves or to Others to the National Instant Criminal Background Check System (H.P. 1336) (L.D. 1902) (C. "A" H-480) Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Practice of Licensed Midwifery (H.P. 1275) (L.D. 1827) (C. "A" H-450)
- An Act To Implement the Recommendations of the Working Group Studying Mold in Buildings (H.P. 1337) (L.D. 1903) (C. "A" H-514) Resolve, To Analyze the Feasibility of Establishing an Education Bill of Rights for Deaf and Hard-of-hearing Children (H.P. 1335) (L.D. 1901) (C. "A" H-468)
- An Act To Stimulate Demand for Renewable Energy (H.P. 1356) (L.D. 1920) (H. "A" H-516) Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

- Resolve, To Promote Community Integration for Individuals with Brain Injuries (H.P. 295) (L.D. 365) (C. "A" H-518)
- Resolve, Directing the Bureau of Revenue Services To Convene a Study Group on the Motor Vehicle Excise Tax (H.P. 605) (L.D. 789) (C. "A" H-524)
- Resolve, To Promote Health Care Insurance for Volunteer Public Safety Personnel through the Dirigo Health Program (H.P. 686) (L.D. 911) (C. "A" H-470)
- Resolve, Directing the Maine Criminal Justice Academy Board of Trustees To Develop and Implement Law Enforcement Training Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations (H.P. 757) (L.D. 1039) (C. "A" H-461)
- Resolve, To Assist Maine Local Land Trusts (H.P. 793) (L.D. 1075) (C. "A" H-452)
- Resolve, To Increase Physical Education for Elementary School Students (H.P. 1011) (L.D. 1442) (C. "A" H-460)
- Resolve, To Review Remote Access Medicine, Hospice and Home Health Care under MaineCare (H.P. 1062) (L.D. 1537) (C. "A" H-484)
- Resolve, To Further the Collection of Hospital Quality Data Regarding Nurse Staffing (H.P. 1063) (L.D. 1538) (C. "A" H-517)
- Resolve, To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation (H.P. 406) (L.D. 528) (C. "A" H-453)
- An Act To Make BETR Better (H.P. 406) (L.D. 528) (C. "A" H-453)
- Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.
- On motion of Representative FAIRCLOTH of Bangor, was **SET ASIDE**.
- The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.
- More than one-fifth of the members present expressed a desire for a roll call which was ordered.
- The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith.
- Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to speak briefly on the bill. I am glad to see that I did not need to point out, probably as the bill with the best title of the session and I thank the Chair of Taxation for humoring me, by allowing us to rename this, the Act To Make BETR Better.
- Less than a year ago, I stood here on one of the last days of session and talked about the BETR bill, at that time, which phased out the business equipment tax for business equipment. The one thing that was lacking, that I promised would be fixed this term, is what I thought an oversight, in that business equipment that was purchased from a vendor within Maine used, was not eligible for BETR. I promised I would put in a bill and this is indeed that bill, I put it in that afternoon.
- What I have since learned is that it is unclear, and there were different interpretations as to whether the equipment purchased used in the state would be eligible for the BETR program, and what this bill does is clarify that within statute, so that indeed, equipment purchased used in state is eligible. I think this is important for small business, because we are the ones who are more likely to purchase used equipment. Indeed, this act does make BETR better for small business, and I encourage you to vote on the pending motion in favor. Thank you.
- The **SPEAKER**: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 146

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hinck, Hogan, Hotham, Jacobsen, Jones, Joy, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury.

NAY - NONE.

ABSENT - Berube, Cressey, Duprey, Hayes, Hill, Jackson, Lansley, Makas, McFadden, Moore, Pineau, Plummer, Richardson E, Sutherland, Mr. Speaker.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate

An Act Regarding the Valuation of Land within Buffer Areas Established under the Natural Resources Protection Laws

(H.P. 437) (L.D. 559)
(C. "A" H-505)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative KOFFMAN of Bar Harbor, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

ENACTORS

Acts

An Act To Improve Road Safety and Update Bicycling Laws
(S.P. 643) (L.D. 1808)
(H. "A" H-447 to C. "A" S-166)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Enact the Informed Growth Act"
(H.P. 1262) (L.D. 1810)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355) AND HOUSE AMENDMENT "A" (H-383) in the House on June 4, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355), HOUSE AMENDMENT "A" (H-383) AS AMENDED BY SENATE**

AMENDMENT "A" (S-236) thereto **AND SENATE AMENDMENT "A" (S-291)** in **NON-CONCURRENCE**.

On motion of Representative BARSTOW of Gorham, the House voted to **RECEDE**.

Senate Amendment "A" (S-236) to **House Amendment "A" (H-383)** was **READ** by the Clerk and **ADOPTED**.

House Amendment "A" (H-383) as Amended by **Senate Amendment "A" (S-236)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-355) and House Amendment "A" (H-383) as Amended by Senate Amendment "A" (S-236)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 351) (L.D. 1099) Bill "An Act To Encourage Wind Energy Development" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-313)**

(S.P. 621) (L.D. 1754) Bill "An Act To Incorporate the Greater Augusta Utility District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-314)**

(H.P. 1360) (L.D. 1922) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Interest in a Certain Parcel of Land Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-583)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH**.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (12) Ought Not to Pass - Minority (1) Ought to Pass as Amended by Committee Amendment "A" (S-300) - Committee on **LABOR** on Bill "An Act To Improve the Independent Medical Examiner System"

(S.P. 598) (L.D. 1691)

Which was **TABLED** by Representative TUTTLE of Sanford pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Walcott who wishes to address the House on the record.

Representative **WALCOTT**: Thank you, Mr. Speaker. If I had been here on Roll Call No. 138, I would have voted with the nays; and for Roll Call No. 139, had I been here, I would have voted with the yeas.

The following items were taken up out of order by unanimous consent:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-303)** on Bill "An Act To Clarify Confidentiality in Child Protective Proceedings"

(S.P. 194) (L.D. 602)

Signed:

Senators:

HOBBS of York
HASTINGS of Oxford

Representatives:

SIMPSON of Auburn
BRYANT of Windham
DUNN of Bangor
MILLS of Farmington
DILL of Cape Elizabeth
CASAVANT of Biddeford
BERUBE of Lisbon
JACOBSEN of Waterboro
NASS of Acton
GOULD of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-304)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-303)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303)**.

READ.

On motion of Representative SIMPSON of Auburn, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-303)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-303)** in concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Allow the State Timely Opportunity To Participate in Settlement Negotiations for MaineCare Benefits"

(H.P. 1091) (L.D. 1566)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167) in the House on May 3, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-306)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Representative BARSTOW for the **Working Group To Develop Options for the Long-term Renovation and Use of the Stone Buildings, the Administrative Building and the Center Building Formerly Occupied by the Augusta Mental Health Institute** on Resolve, Regarding Options for Long-term Renovation and Use of the Buildings Formerly Occupied by the Augusta Mental Health Institute

(H.P. 1366) (L.D. 1927)

Reporting **Ought to Pass** pursuant to Resolve 2005, chapter 201.

Report was **READ** and **ACCEPTED**. The Resolve **READ ONCE**.

Under suspension of the rules, the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative MAKAS of Lewiston, the House adjourned at 3:19 p.m., until 9:00 a.m., Friday, June 15, 2007 in honor and lasting tribute to Joseph T. R. "Rick" Remillard, of Lewiston.